

From: [Kloeckner, Jane](#)
To: [Stevens, Edie](#); [Hagenmaier, Elizabeth](#)
Subject: FW: Cherokee County OU8 and phone call
Date: Friday, August 23, 2019 12:38:19 PM
Attachments: [Copy of Cherokee Co. OU8 All Docs Records 6.24.19.xlsx](#)

Hi Edie and Liz,

Below here is the latest clarification from BNSF lawyers about their FOIA. Looks a lot better. Do you think this is a good enough request that we can proceed? If so, can you help me with the next steps? Thanks.

Yours,
Jane

From: Harse, Grant A. (LG) <gharse@lathropage.com>
Sent: Friday, August 23, 2019 12:28 PM
To: Kloeckner, Jane <Kloeckner.Jane@epa.gov>
Subject: RE: Cherokee County OU8 and phone call

Hello, Jane,

Thank you, again, for your time on Tuesday to discuss our pending request. Based on our discussion Tuesday, we are amending our request for the records identified in the attached list (Index), which we received from you on June 26, 2019, as follows.

This request is for copies of all records identified on the Index, as well as the records specifically identified below. We appreciate EPA will need to make determinations about the records identified within the Index as "Controlled-Undetermined" that may be or contain FOIA-exempt information. To the extent EPA determines a record, in whole or part, is exempt, we would appreciate EPA identify the record or portion it has identified as exempt, and a brief summary or explanation of the basis for EPA's determination. Likewise, we request EPA identify responsive records that have already been published within the Administrative Record or that are duplicates of previously released records, rather than providing duplicates or the publicly available records. We agree to pay up to \$5,000 to cover EPA's reasonable expenses in fulfilling this request. Additionally, we agree to a rolling fulfillment of this request from EPA.

For the first release, we request EPA provide the following:

- copies of all records identified within the Index as "Uncontrolled";
- the record identified as Document ID 40419726, titled Task Order Progress Report for Contract #: EPS70505, TO #: 0061, Reporting Period: 04/01/13-04/30/13, Related Invoice #: 0061-003, Period of Performance: 02/06/13-03/31/15;
- the record identified as Document ID 40423327, titled Monthly Progress Report for Contract #: EPS71205, TO #: 03, Period of Performance: 05/01/13 - 05/31/13; and
- the record identified as Document ID 40416899, titled Voucher #: 0061-001 for Contract #: EPS70505, TO #: 0061.

In addition, we request:

the April 2013 HGL Trip Report for Site Visit to Cherokee County Site – OU8 Railroads, Cherokee County, Kansas, cited as a reference at section 9.0 of the March 2016 Final Remedial Investigation Report, Cherokee county Operable Unit 8 Railroads Site, Cherokee County, Kansas; and

- all records that comprise “HGL’s initial site reconnaissance,” as referenced in section 4.2 of the June 2013 Final Sampling & Analysis Plan, Remedial Investigation, Cherokee County Site OU 8 Railroads.

After this first release is complete, we would like to schedule a call with EPA to discuss fulfillment of the remaining records.

Again, thank you for your time and cooperation. Please do not hesitate to let us know of any questions or concerns.

Best,

Grant

Grant Harse

Associate

Lathrop Gage LLP

2345 Grand Blvd., Suite 2200

Kansas City, MO 64108-2618

Direct: 816.460.5750 | Fax: 816.292.2001

gharse@lathropgage.com

From: Harse, Grant A.

Sent: Monday, August 19, 2019 5:01 PM

To: Kloeckner, Jane <Kloeckner.Jane@epa.gov>

Subject: RE: Cherokee County OU8 and phone call

Thank you for the quick response, Jane. How about 10:30? I will call you then, and send an invite for your calendar momentarily.

From: Kloeckner, Jane [<mailto:Kloeckner.Jane@epa.gov>]

Sent: Monday, August 19, 2019 4:59 PM

To: Harse, Grant A. <gharse@lathropgage.com>

Subject: RE: Cherokee County OU8 and phone call

Hi Grant, Thanks for the reply. How about between 10 and noon? Or at 2:30?

Yours,

Jane

913-551-7235

From: Harse, Grant A. (LG) <gharse@lathropgage.com>

Sent: Monday, August 19, 2019 4:54 PM

To: Kloeckner, Jane <Kloeckner.Jane@epa.gov>

Subject: RE: Cherokee County OU8 and phone call

Hi, Jane,

Thank you for the follow up. I was unable to talk between 11 and 2:30 due to other obligations. Do you have time to talk tomorrow, the 20th? I am free most of the day, and believe I can accommodate your schedule, if so.

Thank you,

Grant

Grant Harse

Associate

Lathrop Gage LLP

2345 Grand Blvd., Suite 2200

Kansas City, MO 64108-2618

Direct: 816.460.5750 | Fax: 816.292.2001

gharse@lathropgage.com

From: Kloeckner, Jane [<mailto:Kloeckner.Jane@epa.gov>]

Sent: Friday, August 16, 2019 6:50 PM

To: Harse, Grant A. <gharse@lathropgage.com>

Subject: Cherokee County OU8 and phone call

Hi Grant,

Thanks for the phone call. I received your message a little late in the day and did not have an opportunity to return the call.

Let's talk on Monday, 8/19, as you suggested in your message. I have free time between 11:00 and 2:30 PM. If you'd like, send me a calendar invite and I'll know when to expect your call.

Sincerely yours,
Jane Kloeckner
Attorney/Advisor
US EPA Region 7
Lenexa, KS
913-551-7235